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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

JOHN LEE MALAER,

Plaintiff,

v.

GEOFFREY KIRKPATRICK, an individual;  
MICHAEL WULFF, an individual; OMAR  
ESQUEDA, an individual; ASHLEY MCFALL,  
an individual; CITY OF MEDFORD, a  
government agency; JACKSON COUNTY, a  
government agency; NATHAN SICKLER, in  
his individual and official capacity; and BRIAN  
KOLKEMO, an individual,

Defendants.

Case No. 1:20-cv-00049-CL

**DECLARATION OF MICHELLE  
BURROWS IN SUPPORT OF  
PLAINTIFF'S STATUS REPORT ON  
DISCOVERY**

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I, Michelle Burrows, declare:

1. I am over the age of 18 years and I make this declaration based on my personal knowledge of the facts contained herein.

2. I am the attorney for Plaintiff in this case.

3. As part of a conferral process at the close of discovery, the City Attorney agreed to file a Motion to Quash the production of the Kirkpatrick Report. The Motion to Quash was filed with this Court on February 1, 2023. The Motion to Quash was directed only at the subpoenas to the Oregon State Police and the Oregon Department of Justice. No Motion to Quash was filed by any party against the Klamath County subpoena.

4. Redacted

Redacted Sgt. Kirkpatrick authored a separate IA Disposition Letter finalizing his findings.

5. Attached as Exhibit A is a true and correct copy of the IA Disposition Letter written by Geoffrey Kirkpatrick and received by Plaintiff in July 2019.

6. Redacted

the contents of the IA Disposition Letter as well as Kirkpatrick's deposition testimony. In the Disposition Letter Sgt. Kirkpatrick states he interviewed the involved officers. Officers Wulff and Esqueda denied in depositions they were interviewed by Kirkpatrick. Redacted

Redacted Kirkpatrick writes in the IA Disposition Letter he reviewed the Body Cam footage from the incident. Redacted

Redacted

*Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.*

DATED: March 7, 2023

*s/ Michelle Burrows*

Michelle Burrows

Attorney for Plaintiff John Lee Malaer



**CITY OF MEDFORD  
219 S IVY ST  
MEDFORD, OR 97501**



Medford Police Department

PHONE: (541) 774-2200  
Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)

July 27th, 2019

John Malaer  
100 N. Grape St. #405  
Medford, OR 97501

Dear Mr. Malaer

This letter is in response to the officer complaint you filed on July 16<sup>th</sup>, 2019 with the Medford Police Department.

I have thoroughly reviewed the complaint, interviewed all parties involved, reviewed video footage and complied documents of the incident in question. As a result of this investigation, I have concluded the following: The complaint filed in regards to unreasonable force being used during the arrest is **Exonerated**.

I would like to thank you for contacting the Medford Police Department regarding your concerns in this matter. The Medford Police Department takes every complaint seriously and we are committed to providing excellent service to the citizens we serve. Furthermore, we are committed to continuous improvement and customer service which can only be accomplished when issues such as this are brought to our attention.

Sincerely,

G. Kirkpatrick #728  
Patrol Sergeant  
Medford Police Department